

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Brian N. Tufte

Confirmation No.: 2577

Serial No. 10/027,829

Examiner: I. Borissov

Filing Date: October 19, 2001

Group Art Unit 3639

For: METHOD AND SYSTEM FOR INCREASING THE PARTICIPATION OF CONTRIBUTORS TO A CHARITY OR OTHER NON-PROFIT


Docket: 1076.1103101

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Assistant Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

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 February 24, 2006  
\_\_\_\_\_  
Lynn Thompson Date

Applicant submits that the Examiner's rejections set forth in the Final Office Action mailed December 2, 2005 contain at least the following clear errors and/or omissions of one or more essential elements needed for a *prima facie* rejection. Applicant hereby request review of the rejections prior to the filing of an appeal brief.

On page 3 of the Office Action, the Examiner rejected claims 1-26 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Episcopal Relief and Development; Project for Hope (Project for Hope) in view of Robbins (US 2005/0246359). With respect to claims 1, 20 and 24, the Examiner states Project for Hope appears to show a web site wherein a plurality of contributors can make a donation including goods and/or services to individuals or organizations. The Examiner states that Project for Hope appears to present a list of delivery lots (projects), each delivery lot (project) includes a description of goods or services needed, funds necessary for each delivery lot (project) and destination of each delivery lot (project). Furthermore, the Examiner states that Project for Hope provides means for receiving donations from contributors.

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The Examiner acknowledges that Project for Hope does not teach obtaining the location of the delivery lot of goods at one or more points in time during the delivery of said delivery lot; or providing the location of the delivery lot to the contributor at one or more points in time. However, the Examiner states that Robbins suggests a method for tracking delivery items, including: obtaining the location of the delivery lot of goods (shipment; [0018]) at one or more points in time during the delivery of said delivery lot of goods [0037]; and providing the location information of the delivery lot (shipment) to the contributor (shipper) at one or more points in time [0037].

The Examiner then concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include obtaining the location of the delivery lot of goods at one or more points in time during the delivery of said delivery lot; and providing the location of the delivery lot to the contributor at one or more points in time as disclosed by Robbins, because it would advantageously allow to use said method for managing and monitoring the delivery status of plurality of various shipments, tens or hundreds of which may be en route at any give time (Robbins; [0004]).

Applicant must respectfully disagree. Claim 1 recites:

1. (Previously Presented) A computer assisted method for increasing the participation of contributors that provide donations to an organization, wherein the organization helps provide goods and/or services to one or more people in need, the method comprising the steps of:
  - receiving either directly or indirectly a donation from a contributor;
  - assigning the donation to a delivery lot of goods and/or services;
  - delivering the delivery lot of goods and/or services to one or more people in need;
  - obtaining the location of the delivery lot at one or more points in time; and
  - providing the location of the delivery lot to the contributor at one or more points in time;wherein a computer processor assists in performing one or more of the receiving, assigning, obtaining and providing steps.

As can be seen, claim 1 recites the steps of: receiving either directly or indirectly a donation from

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a contributor; assigning the donation to a delivery lot of goods and/or services; delivering the delivery lot of goods and/or services to one or more people in need; obtaining the location of the delivery lot at one or more points in time; and providing the location of the delivery lot to the contributor at one or more points in time. Contrary to the Examiner's assertions, Project for Hope does not disclose or suggest many of these steps.

Projects for Hope only refers to "projects". The Examiner attempts to equate the "projects" of Projects for Hope with the "delivery lots" of claim 1. However, Projects for Hope does not indicate how the goods and/or services are actually "delivered" to an ultimate destination. Therefore, a particular "project" of Projects for Hope may correspond to multiple delivery lots. Clearly, Projects for Hope does not teach, disclose or suggest receiving a donation from a contributor, and assigning the donation to a delivery lot, and in particular, a delivery lot that can have its location obtained at one or more points in time and provided to a contributor of that delivery lot.

The Examiner acknowledges that Project for Hope does not teach obtaining the location of the delivery lot of goods at one or more points in time during the delivery of said delivery lot; or providing the location of the delivery lot to the contributor at one or more points in time. However, the Examiner states that Robbins suggests a method for tracking delivery items, including: obtaining the location of the delivery lot of goods (shipment; [0018]) at one or more points in time during the delivery of said delivery lot of goods [0037]; and providing the location information of the delivery lot (shipment) to the contributor (shipper) at one or more points in time [0037].

Applicant must respectfully disagree. As noted in the Appeal Brief filed March 8, 2005, Robbins relates to a package delivery tracking system for use by shippers and recipients. Paragraph [0018] of Robbins, which the Examiner cites, states:

The present invention relates to a system for providing tracking data regarding packages that are being or have been transported by a carrier from a shipper to a receiver. As used in this application, the terms "package," "parcel," "shipment," and "item" refer to any object or set of objects sent from one entity to

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another via a courier or delivery service, regardless of what encloses the item (e.g., an envelope or box) or what entity transports it (e.g., postal service, Federal Express, United Parcel Service, etc.).

As can be seen, the shipper of Robbins would clearly correspond to the Projects for Hope organization itself. In the Examiner's remarks, the Examiner attempts to equate the contributor of claim 1 with the shipper of Robbins. However, the contributor of claim 1 certainly does not "ship" the goods to the ultimate destination (e.g. Mexico for Project PH0001). Rather, the contributor merely provides a donation to, for example, the Projects for Hope organization, and the Projects for Hope organization would ship the goods and/or services to the ultimate destination.

Notably, Robbins only appears to provide the shipper and receiver with the tracking data. As it relates to Projects for Hope, Robbins would thus allow the Projects for Hope organization and the receiver (presumably an organization in, for example, Mexico for project PH0001) to access the tracking data of goods and/or services sent by the Projects for Hope organization. Robbins clearly does not, however, teach, disclose or suggest providing tracking data to a contributor, such as a contributor of donations to the Projects for Hope organization. More particularly, Projects for Hope and Robbins, taken either alone or in combination, clearly do not teach, disclose or suggest: receiving either directly or indirectly a donation from a contributor; assigning the donation to a delivery lot of goods and/or services; delivering the delivery lot of goods and/or services to one or more people in need; obtaining the location of the delivery lot at one or more points in time; or providing the location of the delivery lot to the contributor (e.g. the contributor whose donation was assigned to the delivery lot) at one or more points in time, as recited in claim 1. For these and other reasons, claim 1 is believed to be clearly patentable over Projects for Hope in view of Robbins. For similar and other reasons, dependent claims 2-29 and 31 are also believed to be clearly in condition for allowance.

Turning now briefly to claim 30. Again, and on page 8 of the Office Action, the Examiner attempts to equate the "projects" of Projects for Hope with the "delivery lots" of claim

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30. For the reasons set forth above, the “projects” of Project for Hope cannot be equated with the “delivery lots” of claim 30. In addition, the Examiner acknowledges that Projects for Hope does not teach sending a funded delivery lot once the delivery lot is fully funded. However, the Examiner states that Robbins teaches a method for tracking delivery items.

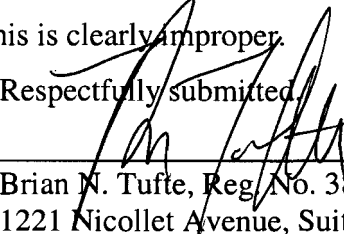
The Examiner also states that Burke suggests a method for facilitating the making of donations, wherein contributors are provided with opportunities to make donations at cash registers via electronic transfer, and wherein said electronic transfer of all contributions allocated to each charity is conducted after said contributions are accumulated until a sufficient amount is achieved to be acceptable of the recipient, thereby indicating the fully funded feature.

Burke appears to only relate to cash donations given at cash registers. Claim 30 recites one or more delivery lots of goods and/or services. Furthermore, the purpose of accumulating the transfer of the cash donations before transfer appears to be to streamline and reduce the number of electronic transfers that must be made. It is unclear why one skilled in the art would apply Burke to delivery lots of goods and/or services that need to be funded by contributors. The only motivation to do so would appear to come from Applicant’s own specification.

On page 2 of the Office Action, the Examiner rejected claim 32 under 35 U.S.C. § 102(e) as being anticipated by Robbins (US 2005/0246359). Claim 32 recites a computer assisted method for increasing the participation of contributors that provide donations, wherein the donations are assigned to one or more delivery lots of goods and/or services. Claim 32 also recites the step of providing the location of the delivery lot either directly or indirectly to the contributor. Notably, the Examiner is again attempting to equate a contributor of claim 32 with the shipper of Robbins. As detailed above, this is clearly improper.

Respectfully submitted,

Dated: February 24, 2006

  
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